

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

RICHARD LOWERY, on behalf of  
himself and others similarly situated,

Plaintiff,

**V.**

TEXAS A&M UNIVERSITY; M. KATHERINE BANKS, in her official capacity as President of Texas A&M University; ALAN SAMS, in his official capacity as Interim Provost and Vice President for Academic Affairs for Texas A&M University; ANNIE S. MCGOWAN, in her official capacity as Vice President and Associate Provost for Diversity at Texas A&M University; and N.K. ANAND, in his official capacity as Vice President for Faculty Affairs at Texas A&M University,

**Defendants.**

Civil Action No. 4:22-cv-3091

**DECLARATION OF RYAN E. MELTZER IN SUPPORT OF  
DEFENDANTS' SUPPLEMENTAL BRIEFING ON JUSTICIABILITY**

I, Ryan E. Meltzer, declare as follows:

My name is Ryan E. Meltzer. I am an attorney at Norton Rose Fulbright US LLP, attorneys of record for Defendants in the above-captioned action. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

1. Exhibit 1 to this Declaration is a true and correct copy of a memorandum issued by the System Ethics and Compliance Office of the Texas A&M University System

on June 26, 2023, with the subject “Ethics and Compliance Program Review—DEI Compliance with SB 17.” The memorandum is from Janet Gordon, System Ethics and Compliance Officer for the Texas A&M University System, to the Chief Executive Officers of the Texas A&M University System, with copies to specified legal, compliance, and equal opportunity officers at the Texas A&M University System. A copy of this memorandum was previously filed as Exhibit 1 to Defendants’ Supplemental Brief on Justiciability. Dkt. 33-1.

2. Exhibit 2 to this Declaration is a true and correct transcription of a 13-minute excerpt of the video recording of a February 13, 2023 meeting of the Texas A&M University Faculty Senate. The video recording is publicly accessible at the following URL: <https://mediasite.tamu.edu/Mediasite/Play/5ca182bfdcf648c4af46eb37a2afc8be1d>. Members of the Document Production Group at Norton Rose Fulbright US LLP prepared the transcription in Exhibit 2 using the video posted at this URL. Plaintiff cited a link to the video, at the same URL, in his Supplemental Memorandum on Justiciability. Dkt. 34 at 4.

3. Exhibit 3 to this Declaration is a true and correct copy of an article published by *The Bryan–College Station Eagle* on July 11, 2023, under the headline *New Texas A&M Journalism Director Kathleen McElroy to Return to University of Texas*. The article is publicly accessible at the following URL: [https://theeagle.com/news/a\\_m/new-texas-am-journalism-director-backs-out/article\\_fbb3bfc6-2005-11ee-9a3d-b37a5fb47416.html](https://theeagle.com/news/a_m/new-texas-am-journalism-director-backs-out/article_fbb3bfc6-2005-11ee-9a3d-b37a5fb47416.html).

I declare under penalty of perjury that the foregoing is true and correct. Executed  
on July 12, 2023 in Austin, Texas.

  
\_\_\_\_\_  
Ryan E. Meltzer